

ORDINANCE NO. 2016-012

AN ORDINANCE relating to unlawful camping on public property and unlawful storage of personal property on public property and adding Section 6.91 to the Yakima Municipal Code.

WHEREAS, camping on public property, such as sidewalks, streets, alleys and planting strips is a public health and safety concern due to vehicle and bike traffic; and

WHEREAS, camping without adequate sanitation services, such as sewer, water and garbage presents a public health and safety concern due to the ability to spread disease and contract illness without proper sanitary facilities; and

WHEREAS, public property should be available to all the public and the placement of camping gear, tents, sleeping bags or other personal property does not allow for public use of public property; and

WHEREAS, camping should only occur in designated campgrounds with proper facilities and in the zoning districts outlined in Title 15, namely the suburban residential (SR) and the general commercial (GC) zoning districts with elevated review, unless otherwise expressly authorized by the City; and

WHEREAS, the City Council finds that the regulatory requirements established by this ordinance are necessary for the preservation of the public peace, health and safety; and

WHEREAS, the City Council finds and determines that adopting this ordinance is in the best interests of the residents of the City of Yakima and will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Chapter 6.91: Unlawful Camping and Storage of Personal Property, shall be added to the Yakima Municipal Code to read as follows:

Chapter 6.91 Unlawful Camping and Storage of Personal Property

Sections:

- 6.91.010 Unlawful camping
- 6.91.020 Storage of personal property in public places
- 6.91.030 Erecting camping facilities or camping paraphernalia on public property
- 6.91.040 Definitions
- 6.91.050 Permits
- 6.91.060 Camping in parks prohibited
- 6.91.070 Camping on private property
- 6.91.080 Penalty for violations

6.91.010 Unlawful camping. It shall be unlawful for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas, except as otherwise provided by ordinance or rule:

- (1) Any street, alley or sidewalk;
- (2) Any parking lot or other property or lot owned by the City of Yakima, improved or unimproved; or
- (3) Any right-of-way, planting strip, easement, median, parkway or trail.

6.91.020 Storage of personal property in public places. It shall be unlawful for any person to store personal property, including, but not limited to, camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by ordinance or rule:

- (1) Any street, alley or sidewalk;
- (2) Any parking lot or other property or lot owned by the City of Yakima, improved or unimproved; or
- (3) Any right-of-way, planting strip, easement, median, parkway or trail.

6.91.030 Erecting camping facilities or camping paraphernalia on public property.

(1) It shall be unlawful to erect, install, place, leave, or set up any type of permanent or temporary camping paraphernalia or camping facilities or structure of any material(s) intended for camping, in or upon public property without a permit or other authorization from the city.

(2) In addition to other remedies provided by law, including, but not limited to the penalty provision of this chapter, such an obstruction is hereby declared to be a public nuisance. The code enforcement officer or his or her designee may summarily abate any such obstruction, or the obstruction may be abated as prescribed in chapter 6.56 herein.

(3) The provisions of this section do not apply to those items specifically provided for in other sections of this chapter.

(4) The code enforcement officer may promulgate policies to carry out this section.

6.91.040 Definitions

(1) "Camping" or "camp" means to pitch or occupy camp facilities, and/or to use camp paraphernalia.

(2) "Camping facilities" includes, but is not limited to, tents, huts, or temporary shelters made of any material.

(3) "Camping paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, and/or outdoor cooking facilities such as camp stoves.

(4) "City" means the City of Yakima.

(5) "Parking" means the standing of a vehicle, whether occupied or not, other than temporarily for purposes of loading or unloading property or passengers.

(6) "Public property" means all property owned, operated, or controlled by the city, including, but not limited to, parking lots, trails, sidewalks, easements, rights-of-way, planting strips, medians, greenways, alleys, or streets.

(7) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, and is transient.

(8) "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location unattended.

(9) "Street" means any highway, lane, road, street, right-of-way, boulevard, alley and every way or place in the city open as a matter of right to public vehicular travel.

(10) "Trail" means any pathway or trail in the city, owned, operated or maintained by the city, open as a matter of right to the public for walking, biking or other non-vehicular travel.

6.91.050 Permits. Permits for camping may be obtained through Chapter 5.98 or Chapter 9.70 of the Yakima Municipal Code.

6.91.060 Camping in parks prohibited. Pursuant to Section 13.20.030, camping in public parks is prohibited.

6.91.070 Camping on private property.

- (1) Camping is prohibited on private property without the owner's express consent.
- (2) Camping is prohibited on private property if there are no sanitation facilities provided by the property owner or lawful tenant. Sanitation facilities can include access to the indoor facilities of the primary residence.
- (3) Camping is prohibited on private property for more than seven (7) consecutive days.

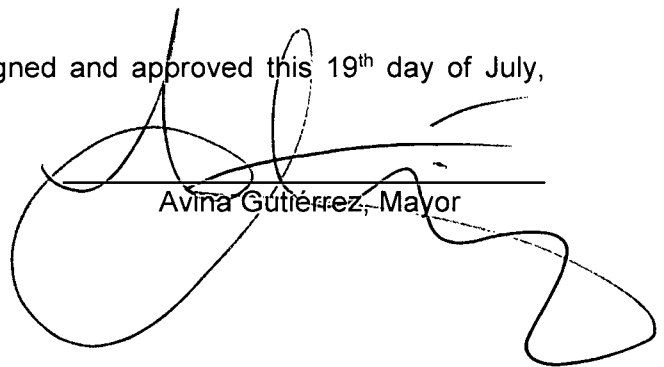
6.91.080 Parked recreational vehicles.

- (1) The provisions of this chapter shall not apply to recreational vehicles parked on any residential street for a period of not greater than 24 hours.
- (2) Recreational vehicles may not be used as accessory dwellings unless otherwise specifically permitted by the City.
- (3) All recreational vehicles parked on city streets shall abide by the parking rules and regulations of the city, including, but not limited to, chapter 9.50 of the Yakima Municipal Code.

6.91.090 Penalty. Any person violating any of the provisions of this chapter shall, upon conviction of such violation, be found guilty of a misdemeanor and punished by a fine of not more than \$1,000.00 or by imprisonment of up to 90 days, or by both such fine and imprisonment.

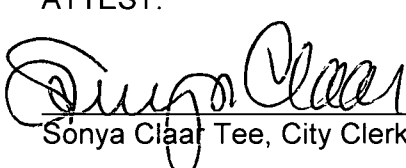
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional, unlawful or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

PASSED BY THE CITY COUNCIL signed and approved this 19th day of July, 2016.

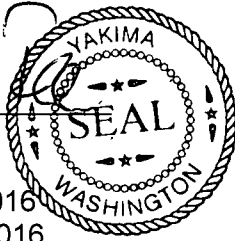


Avina Gutiérrez, Mayor

ATTEST:



Sonya Claar Tee, City Clerk



Publication Date: July 22, 2016
Effective Date: August 21, 2016



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 10.
For Meeting of: July 19, 2016

ITEM TITLE: Ordinance relating to homeless encampments; adding Chapter 6.91 Unlawful Camping and Storage of Personal Property to the Yakima Municipal Code

SUBMITTED BY: Sara Watkins, Senior Assistant City Attorney

SUMMARY EXPLANATION:

This ordinance proposes a new section of the Yakima Municipal Code which makes camping and storage of personal property unlawful, including camping-type property items, on public property without permission of the City. It also limits the duration of camping on private property and outlines requirements for such camping. Violation of the terms of the ordinance would be a criminal misdemeanor offense if the ordinance is violated.

ITEM BUDGETED: No

STRATEGIC PRIORITY: Public Safety


APPROVED FOR SUBMITTAL:  Interim City Manager

STAFF RECOMMENDATION:

Pass the Ordinance.

BOARD/COMMITTEE RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
 Ordinance-Homeless Encampment-Ch 6.91 added to YMC	7/11/2016	Ordinance